

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64439 of 2022**

Arising Out of PS. Case No.-310 Year-2020 Thana- GAYA MUFASIL District- Gaya

MD. CHHOTU Son of Md. Anwar R/V- Kiranighat , P.S- Kotwali, Dist- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manish Kumar No.2, Advocate.

For the Opposite Party/s : Ms. Madhuri Lata, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER**

2 30-11-2022 Heard Mr. Manish Kumar No. 2, learned counsel for the petitioner and Ms. Madhuri Lata, learned Additional Public Prosecutor appearing for the State.

Petitioner seeks regular bail in connection with Sessions Trial No. 45 of 2021 arising out of Muffasil P.S. Case No. 310 of 2020 registered for the offences punishable under Sections 364-A and 34 of the Indian Penal Code.

This is second attempt for grant of regular bail on behalf of the petitioner inasmuch as earlier the bail application of the petitioner was rejected by this Court vide order dated 23.2.2022 passed in Cr. Misc. 21747 of 2021. The petitioner has renewed his prayer for bail on the ground that victim during course of trial was examined and he has retracted from his earlier statement made before the Police.



This Court vide its earlier order dated 23.2.2022 had rejected the bail application of the petitioner on its merit. This Court is of the opinion that statement made by the victim during course of trial is not a ground for grant of bail at this stage inasmuch as the court is not holding mini trial and not in a position to appreciate the attending circumstances coming forward during course of trial.

Accordingly, this bail application stands dismissed.

(Anil Kumar Sinha, J)

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